

FILED: August 14, 2019

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 17-5  
(4:08-cr-00016-RBS-DEM-3)  
(4:15-cv-00108-RBS)

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

DAVID ANTHONY RUNYON

Defendant - Appellant

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O R D E R

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The court grants appellant a certificate of appealability as to the following issues:

- 1) Whether Runyon's conviction under 18 U.S.C. § 924(c) is unconstitutional,
- 2) Whether trial counsel provided ineffective assistance by failing to present evidence of Runyon's brain damage and mental illness,
- 3) Whether the prosecution committed a *Brady* violation by withholding evidence supporting Runyon's case that he is not death eligible and whether trial counsel provided ineffective assistance by failing to investigate and present this information to the jury,
- 4) Whether the prosecution violated *Batson* in its discriminatory use of peremptory strikes, to which trial counsel unreasonably failed to object.

For the Court

/s/ Patricia S. Connor, Clerk